

**GOVERNMENT OF MIZORAM
POLICE HEADQUARTERS: AIZAWL**

: Dated Aizawl, the 19 June, 2024.

STANDING ORDER NO. 4/2024

**STANDARD OPERATING PROCEDURE FOR REGISTRATION OF
FIR AND INVESTIGATION OF SEXUAL ASSAULT, RAPE AND
POCSO ACT CASES AS PER BNSS, 2023**

The provisions of BNSS'2023 prescribe for finalizing the investigation and trial in a time bound manner. It aims at delivering justice in a time bound manner. Further, stress has been on adopting scientific methods for completion of investigation. Therefore, there is a need to deal with such kind of cases in a more professional manner by using scientific methods in collection of evidence. To make it easy for the Investigation Officers, the following instructions are issued for strict compliance while dealing with the rape and POCSO Act cases-

- (i) As soon as a complaint of rape/sexual assault on women is received, the police officer on the duty receiving the complaint/information shall call the lady police official to attend to it.
- (ii) When a victim comes to the Police Station, the officials present in the police station shall ensure to make victim and her family comfortable. The behavior of the police officials towards the victim should be sensitive and sympathetic. No indecent questions are put to the victim by the Investigating Officer.
- (iii) As soon as the information received by a police officer with regard to the commission of offence of rape or sexual assault on the women, such information shall be recorded in accordance with provisions contained in section 173 of BNSS, 2023 the copy of the FIR should be given free of cost immediate to the victim or the informant.

- (iv) Every OC shall ensure that there is no delay and no technicality is allowed to come in the way of prompt and immediate registration of FIR in such offences. It should be kept in mind that the FIR is an important document and every due care be taken while recording the FIR and all necessary material/information/facts which are directly connected with the commission of offence or likely to form an important piece of evidence are taken into account.
- (v) One copy of FIR should be sent to District Legal Services Authority.
- (vi) The victim can lodge the FIR in any Police Station in any State or District. Subsequently, it can be transferred to the concerned State or Police Station having jurisdiction for investigation. Audio-Visual and electronic means, including scanning, can be used to transmit the information at the earliest and the Enquiry Officer shall inform the concerned Police Station through phone call personally.
- (vii) After making preliminary enquiry/investigation, the investigation officer along with the lady police official shall escort the victim for medical examination as per the provisions contained in section 184 BNSS, 2023 from a registered medical practitioner employed in a Govt. Hospital or a local authority in absence of such a medical practitioner by any other registered medical practitioner with the consent of such woman or of a person who is competent to give such consent on her behalf.
- (viii) Such woman/victim shall be sent to medical examination within 24 hours of from the time of receiving information relating the commission of such offence.
- (ix) The investigating officer shall make every effort to secure the clothes of the victim as well as the clothes of accused, if arrested, and send the same for forensic analysis to find out whether, there are traces of semen/hair, etc., to obtain forensic reports about the matching of blood group, DNA, profiling, etc.

- (x) The investigating officer shall ensure that medical examination of the victim of sexual assault and accused is done at the earliest without any delay at Govt. hospital and the MLR of the victim shall be forwarded to the Judicial Magistrate within 7 days as per the provisions of section 184 (6) (A) of BNSS, 2023.
- (xi) The statement of the victim shall be recorded in private at her residence or other place of her choice and by a lady police officer in the presence of parents or guardians or near relatives or social worker of the locality with a view to make the victim comfortable and where such offences has been committed by a person in relation to the victim in any manner (incest cases) where there is a suspicion of complicity of the family members in the crime as such, family members should not be permitted to be present at the time of recording the statement of the victim.
- (xii) The statement of the victim against whom offences U/S 64 to 71 of BNSS, 2023 and section 74 to 79 & 124 BNS, 2023 has been committed or attempted, the IO shall produce such victim before the Judicial Magistrate/Area Magistrate for recording her statement U/s 183 BNSS, 2023 and IO shall make a request in the application for recording of such statement before a woman Magistrate and in her absence, by a male Magistrate in the presence of woman and will further make a prayer of recording of statement through audio video means, if the person making the statement is temporarily or permanently mentally or physically disabled the statement made by the person, with the assistance of an interpreter or a special educator.
- (xiii) Immediately after the registration of the case, the investigating team shall visit the scene of crime to secure and collect all incriminating evidence available there. The SDPO shall personally supervise the investigations of cases related to Crime against Women from the date of registration of FIR up to the disposal of the case by the competent court in order to increase the rate of conviction.
- (xiv) The investigating officer shall complete the investigation in offences U/s 64 to 71 of BNS, 2023 and section 4, 6, 8 & 10

of POCSO Act, 2012 shall be completed within a period of **two months** from the date on which the information was recorded by the Officer In-charge of the Police Station.

- (xv) The IO shall forward the Charge-sheet to the O/O Public Prosecutor, for scrutiny and necessary approval well in time, i.e., at least 15 days prior to submitting the same in the Court.
- (xvi) The IO shall forward the Charge-sheet including through electronic communication, to the Magistrate empowered to take cognizance of the offence and it should contain all necessary documents, statements of the concerned witnesses, medical record, forensic reports, etc., and the sequence of custody in case of any electronic device.
- (xvii) ***The documents in which the name of the victim is mentioned should be attached with the charge-sheet in the sealed cover in order to conceal the identity of the victim.*** Identity of the victim and her family shall be kept secret, keeping in view the modesty and security of the victim in compliance of section 72 of The Bhartiya Nyaya Sanhita, 2023.
- (xviii) The Victim/informant shall be informed with regard to progress of the investigation and it can be communicated by any means including through electronic communication within the period of 60 days and the copy of the charge-sheet shall be provided to the victim free of cost as per the provisions of section 230 of BNSS, 2023.
- (xix) The accused should not be confronted with the victim except for identification in the court during TIP proceeding.
- (xx) Except the offences which are reported during the night, no victim of sexual offence shall be called or made to stay in the Police Station during night hours.
- (xxi) The Investigating Officer should keep the permanent address and mobile number of the victim in their file in addition to the present address and such other information which may help in finding availability of the prosecutrix during trial, if

she leaves her reported addresses. The victim should be advised to inform the concerned Police Station, if she changes her residential address.

- (xxii) If the victim informs the police about any threats received from the accused family, the concerned OC should consider the matter on priority and if it is deemed fit, a fresh FIR must be registered under appropriate sections of law against the accused person(s) or the person(s) extending threats to the victim. The information in this regard may also be provided to the competent authority under the Witness Protection Scheme, 2018.
- (xxiii) Helpline numbers should be displayed prominently in highly crowded areas like educational institutions, hospitals, bus stands, and railway stations and on other suitable places.
- (xxiv) The Investigating Officer/OC should consider empanelling professional counselors and the counseling of the victims should be done by the professional counselors.
- (xxv) All Police Stations/Units are directed to display the telephone numbers, name and other details of the Protection Officers of the area appointed under the Domestic Violence Act'2005 and members of Child Welfare Committee.
- (xxvi) The complainants of sexual assault cases should be provided with legal representation, i.e., someone who is well acquainted with the Criminal Justice System. The role of victim's advocate would not only be to explain to the victim the nature of the proceedings but also to prepare her for the case and to assist her in the Police Station and in Court and to provide her with guidance to how she might obtain help of a different nature from other agencies, e.g., counseling or medical assistance and to secure continuity of assistance by ensuring that the same person who looked after the complainant's interests in the police station represents her till the end of the case.
- (xxvii) Legal assistance shall be provided at the police station through established channels to the victim of sexual assault who may be in a distressed state upon arrival at the police

station. The guidance and support of a lawyer at that stage and while being examined would be of great assistance to her.

(xxviii) A list of advocates willing to act in these cases should be kept readily available at the police station for victims who does not have a particular lawyer in mind or whose own lawyer is unavailable.

(xxix) Where the victim is less than 18 years of age at the time of occurrence even though evidence shows that the victim and accused were in love and the victim admitted that she had sexual intercourse with the accused out of love, such consent has no relevance because of her age being less than 18 years, as per the legal provisions. In nutshell, sexual intercourse by a man with a girl, who is under 18 years of age, amounts to an offence of rape.

(xxx) Hence, consensual sex with a minor amounts to rape; therefore, there should be no leniency even if the victim is in love with her partner. All the OCs and IOs are directed to register the cases in such type of matter in appropriate provisions of BNS, 2023 and POCSO Act, 2012.



**(LALBIAKTHANGA KHIANGTE), IPS,
Director General of Police,
Mizoram, Aizawl.**

No. IGP(A&T)/NCL(BNSS/BNA/BSA 2023)/28/24/33 Dt. 19 June, 2024

Copy to :

- 1) SO to DGP, Mizoram.
- 2) IGP(Hqrs)/IGP(L&O) for kind information.
- 3) DIG(NR)/DIG(SR0)/DIG(ER)/DIG(CID)/DIG(Trg.) Mizoram for kind information.
- 4) AIG(Hqrs)/AIG(Legal) Mizoram for kind information.
- 5) All District SPs, Mizoram, SP CID(Crime)/SP Cyber Crime/SP Narcotic for information and necessary action.



**(LALBIAKTHANGA KHIANGTE), IPS,
Director General of Police,
Mizoram, Aizawl.**